

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

KURT LINNEMANN

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Plaintiff

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vs.

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CIVIL ACTION NO. MJG-12-2021

CITY OF ABERDEEN, et al.,

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Defendants

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MEMORANDUM AND ORDER RE: MOTION IN LIMINE

The Court has before it Defendant's Motion in Limine [Document 23] and the materials submitted relating thereto. The Court has conferred with counsel regarding the motion and finds a hearing unnecessary.

The parties have no dispute as to the physical location at which Plaintiff's protest ultimately took place. The Defendant does not concede that the location was an appropriate location for a protest entitled to free speech protection. Rather, the Defendant takes the position that neither he, nor anyone else, made a determination as to where the protest was to be presented in relation to the high school's property borders. Instead, the decision was made to allow the forty-five-minute demonstration to take place to eliminate further disputes.

It is my understanding that the Defendant is not contending that the fact - if it were a fact - that the protest took place

on school property would be relevant to Plaintiff's contention that, prior to the protest's taking place, the Defendant interfered with Plaintiff's free speech rights. The critical location issue - as to which there is most definitely a dispute - is whether the Plaintiff unloaded his materials, including signs, on public or private property.

Under the circumstances:

1. Defendant's Motion in Limine [Document 23] is GRANTED.
2. This action is without prejudice to reconsideration if, at trial, it appears that the question of whether the protest was presented ultimately on public, private or school property becomes an issue.

SO ORDERED, this Friday, November 22, 2013.

\_\_\_\_\_/s/\_\_\_\_\_  
Marvin J. Garbis

United States District Judge